

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

6 GLEN SIMONS,) CV F- 05-0503 LJO DLB P
7 Plaintiff,) ORDER DISMISSING ACTION
8 v.) PURSUANT TO PLAINTIFF'S
9 DR. NGUYEN, et. al.,) NOTICE
10 Defendant.) [Doc. 41]

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action.

14 On March 12, 2007, plaintiff filed a document entitled "Motion for Misjoinder of Defendants
15 Varela and Edwards." The court construes this a motion for voluntary dismissal of these defendants.
16 On March 14, 2007, defendants filed a non-opposition to the dismissal of these defendants and on
17 March 26, 2007, plaintiff confirmed his request for dismissal of defendants Varela and Edwards.

18 Pursuant to Federal Rule of Civil Procedure 41(a), an action may be dismissed by plaintiff by
19 filing a notice of dismissal before service by the adverse party of an answer or of a motion for
20 summary judgment. However, here, defendants do not object to dismissal.

21 Accordingly, defendants Varela and Edwards are HEREBY DISMISSED from this action
22 pursuant to plaintiff's notice of voluntary dismissal.

23 || IT IS SO ORDERED.

24 Dated: March 28, 2007
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/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE